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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,433	06/29/2001	Ramesh Pendakur	42390P11604	8953

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EXAMINER

BAKER, STEPHEN M

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,433

Applicant(s)

PENDAKUR ET AL.

Examiner

Stephen M. Baker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 68-74 is/are allowed.
- 6) ☒ Claim(s) 57-61, 66, 67 and 75-77 is/are rejected.
- 7) ☒ Claim(s) 62-65 and 78 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because: in the last line, "the re-transmits" apparently should be "then re-transmits". Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities:

Fig. 7, most notably step 760 and the specification's discussion thereof (p. 22+), is logically awkward, confusing, and apparently incorrect and/or inadequate. Step 730 as depicted in the drawing apparently only checks one received content portion, i.e. "a received content portion." Step 760 thus apparently functions to form a number of "missing content" records equal to the number of identifiers in the manifest if a single received packet identifier does not match any content identifiers in the manifest, the same "missing content" record-making process apparently being repeated (770, 780, 730) for each identifier on the manifest. Iterations through step 760 accordingly appear to compile a list of "missing content" records comprising every content identifier in the manifest for every single packet that apparently shouldn't have been received in the first place, all of which have nothing to do with processing of packets that actually should be received, i.e. packets that are consistent with the manifest.

Appropriate correction is required.

Allowable Subject Matter

3. Claims 68-74 are allowed.
4. Claims 62-65 and 78 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The indicated allowability of claims 57-61, 66, 67, and 75-77 is withdrawn in view of the newly discovered reference to Dawson. Rejections based on the newly cited reference follow.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 57-61, 66, 67, and 75-77 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,594,490 to Dawson *et al* (hereafter "Dawson").

Dawson discloses arrangements for reliably broadcasting digital data, such as video/audio files, over a satellite to plural receiving stations, such as CATV receivers. Dawson's arrangements include receiving feedback indicative of missing packets from each of the receiving stations. As described by Dawson (col. 11, lines 4-36) the satellite broadcast medium is only used for a scheduled retransmission if a threshold number of receiving stations indicates that a particular packet is missing, otherwise lower-

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bandwidth point-to-point links may be used. Accordingly, Dawson discloses determining a subset of data indicated to be missing in the feedback received from each of the plurality of receivers based at least in part on weighing how frequently data is indicated to be missing and broadcasting the subset.

Regarding claim 58, Dawson's CATV receivers receive broadcast video, presumably comprising a "portion of a movie."

Regarding claims 59 and 75, as Dawson's receivers for performing the steps of the retransmission flowchart (Fig. 3) comprise a programmed computer (col. 9, lines 30-46). Accordingly, Dawson's arrangements apparently involve a "machine-readable medium" bearing instructions for performing the above-cited retransmission processing as an "algorithm."


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Baker whose telephone number is (571) 272-3814. The examiner can normally be reached on Monday-Friday (11:00 AM - 7:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen M. Baker
Primary Examiner
Art Unit 2133

smb